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Via Electronic Filing System

January 8, 2014

Re: *Theranos, Inc. and Elizabeth Holmes v. Fuisz Pharma, et al.*
Case Nos. CV11-5236

The Honorable Paul S. Grewal
United States District Court for the Northern District
280 South First Street
San Jose, CA 95113

Dear Judge Grewal:

Attached, please find correspondence from Joseph Fuisz regarding the parties' meet and confer efforts about outstanding issues relating to the Defendants' motion to proceed pro se. We are now e-filing this letter per the instructions of your clerk.

As noted in the letter, the parties have reached an impasse regarding access to attorneys' eyes only information and request a telephone conference at the Court's earliest convenience.

Very Truly Yours,

A handwritten signature in black ink, appearing to read "J. Ishimoto".

Jennifer Ishimoto

Joseph M. Fuisz
10350 W Bay Harbor Dr, 8C
Bay Harbor Island, FL 33154

January 2, 2014

Honorable Magistrate Judge Paul Singh Grewal
San Jose Courthouse, Courtroom 5 - 4th Floor
280 South 1st Street, San Jose, CA 95113

Via electronic Mail to: psgcrd@cand.uscourts.gov

Re: Theranos v Fuisz: Pro se issues

Honorable Magistrate Judge Grewal:

We are writing to request a telephonic follow up with the Court and counsel to Theranos.

Pursuant to the Court's Civil Minute Order (December 18, 2013), the parties have engaged in meet and confer via telephonic discussions and e-mail concerning (i) a proposed stipulation whereby the personal Fuisz defendants would stipulate that any judgment against them would apply to Fuisz Pharma LLC (to allow the removal of Fuisz Pharma LLC from the case), and (ii) access by the defendants to attorney's eyes only (AEO) discovery materials

The parties have been able only to partially resolve the question of access to AEO discovery materials. Theranos has permitted conditional access to the Expert Witness Reports, related Expert Depositions and Expert Deposition Exhibits, and we (the pro se Fuisz parties) have in fact begun reviewing those materials.

However, we have not been able to reach agreement with Theranos around the larger issue of access to fact witness depositions and Theranos' document production.

The parties have been able to agree to resolve the stipulation question, with the Fuisz defendants agreeing to the conditions set forth by Theranos' counsel (subject only to review of the final stipulation language).

To provide the Court with context of the parties' respective AEO positions, we attached (i) our e-mail to Mr. Underhill dated December 19, 2013, and (ii) Mr. Underhill's e-mail to use dated December 31, 2013.

We respectfully ask that the Court schedule a telephonic conference to assist in the resolution of the foregoing. Mr. Underhill has advised that he will be generally unavailable on Monday, January 6, 2014, due to travel on an unrelated matter.

Respectfully yours,

/s/ Joseph Fuisz

/s/ Richard Fuisz

Joseph Fuisz
PRO SE

Richard Fuisz, MD
PRO SE

cc: David Boies
Michael Underhill
William Marsillo
Michael Jay
Meredith Dearborn
(via e-mail to theranos@bsflp.com)

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